IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

AMERICAN WASTE MANAGEMENT AND RECYCLING, LLC.

Plaintiff

v.

CEMEX PUERTO RICO; ET AL.

Defendants

CASE NO. 07-1658 (JAF)

URGENT PARTIAL OPPOSITION TO MOTION REGARDING COURT ORDER AND REQUESTING SANCTIONS AND OTHER RELIEF (DKT. #48)

TO THE HONORABLE COURT:

COMES NOW, Defendant CANOPY ECOTERRA CORP. (hereinafter "ECOTERRA") through the undersigned counsel, reserving all defenses, including improper service of process and lack of personal jurisdiction, and very respectfully state and pray as follows:

I. Introduction

On todays date Plaintiff, American Waste Management and Recycling, LLC. (hereinafter "AWMR"), has requested, in its prayer of certain "Urgent Motion Regarding Court Order and Requesting Sanctions and Other Relief" that it be allowed to retrieve eight (8) containers loaded with metal from the CEMEX site, and requesting an order from this Honorable Court

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instructing the U.S. Marshal's Office to send sufficient force to attend the inspection and installation of cameras to take place on Thursday, October 4.

Inasmuch the prayer from AWMR's urgent motion requests the retrieval of the eight containers loaded with metal at the CEMEX site, Ecoterra hereby opposes such request.

Ecoterra has no objection for AWMR to retrieve the eight (8) containers, once the contents of the same are emptied, since the ownership of said contents are to be in dispute because of the breach of contract incurred by AWMR to the detriment of Ecoterra. Moreover, and as it has been in numerous occasions presented to AWMR, upon depositing the material and contents with a mutually agreeable third party, AWMR will be able to deliver the containers to its rightful owners. See, in general, Docket #7, pages 2-3.

Otherwise, and if AWMR retrieves the mentioned containers with the material inside, Ecoterra will not have the opportunity of recovering what will forthcoming be its counterclaim against AWMR.

WHEREFORE, Ecoterra respectfully requests that this Honorable Court PARTIALLY DENY plaintiff's Urgent Motion inasmuch it is requesting in its prayer that it be authorized the removal of eight (8) containers loaded with metal at the

CEMEX site, and that it issue any further relief it deem just and proper under the law.

I hereby certify that on October 2, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

RESPECTFULLY SUBMITTED. At San Juan, Puerto Rico, this 2nd day of October, 2007.

S/ ANTONIO VALIENTE
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USDC-PR No. 213906

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